

REMARKS

The Office Action states that claims 1-22 (Group I) are drawn to a device and method for receiving data and identifying potential malware, classified in class 726, subclasses 13 and 23 and that claims 23-28 (Group II) are drawn to providing security information to a device, classified in class 713, subclass 166. The Office Action requires election of either Group I or Group II for examination. The requirement for election is respectfully traversed and reconsideration is requested.

The Office Action states that the invention of groups I and II are directed to related processes, but that the inventions are distinct because they have materially different functions and have separate utility (Office Action – page 2). The Office Action also states that examining all of the pending claims would be a serious burden on the Examiner (Office Action – page 3).

The applicants note that a number of claims in Group I include features similar to those in Group II. For example, claim 8 recites that at least one of the firewall, intrusion detection logic and forwarding logic is configured to receive rule-based processing information from an external device via the network and claim 9 recites that at least one of the firewall, intrusion detection logic and forwarding logic is configured to receive updated rule-based processing information from the external device. These features are similar to those recited in the claims of Group II.

Therefore, the applicants respectfully request that claims 23-28 could be examined with claims 1-22 without serious burden. Accordingly, reconsideration of the Restriction Requirement and examination of pending claims 1-28 are respectfully requested.

In the event that the Examiner, after considering the discussion above, still believes that election is required, the applicants provisionally elects Group I (claims 1-22) with traverse.

CONCLUSION

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, L.L.P.

By: /Glenn Snyder/
Glenn Snyder
Reg. No. 41,428

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11350 Random Hills Road
Suite 600
Fairfax, VA 22030
Telephone: (571) 432-0800
Facsimile: (571) 432-0808